

Mass arrest of strikers largest in OC history

Attorneys debate basis of felony kidnapping charges

By Gregg Zoroya
The Orange County Register

The Orange County sheriff's decision to jail 149 labor protesters on suspicion of conspiracy to commit kidnapping is the largest mass felony arrest in county history, a high-ranking prosecutor said Friday.

The protesters, an organized segment of an estimated 4,000 drywall workers on strike throughout Southern California, were arrested in Mission Viejo on Thursday after allegedly rushing through a construction site and abducting six strike-breakers.

"There's no way they're going to charge 149 people with conspiracy to kidnap," said Orange County Public Defender Ron Butler. "I mean, that would be a disastrous decision on the part of the DA."

The sudden surge of bookings at the overcrowded Orange County Jail forced deputies there to set up 100 emergency beds and take extraordinary steps to release dozens of prisoners early.

Assistant District Attorney Wally Wade, who described the felony arrests as the largest ever, said he hopes to have prosecutors review the case as early as Sunday afternoon. Protesters in custody must be arraigned no later than Tuesday.

Whether felony charges are warranted in this unusual case, Wade said, is "a big if."

"As a practical matter, it would be pretty difficult to prosecute 150 people at once," he said.

Butler speculated that the felony arrests and high bail — \$50,000 for

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each striker — were imposed in order to keep the demonstrators off the street and diffuse any potential for more strike-related violence.

But court officials who reviewed the sheriff's reports Friday said they found reasonable cause to arrest 149 demonstrators on the conspiracy charge.

Judicial hearing officer Vincent Upson said he pored over the reports for seven hours Friday and discovered, among other things, that some of the arrested workers had allegedly confessed to wrongdoing.

"They have openly admitted that this indeed was their aim ... to disrupt the construction process to solicit and gain the support of the workers there, even if that meant to drag them off the job," Upson said.

Upson and Judicial Hearing Officer Vince Furriel had the task of determining, within 36 hours of the mass arrests, whether there were sufficient grounds to hold the strikers over the holiday weekend.

Both men sought legal assistance on the conspiracy charge Thursday from two Municipal Court judges, James M. [Name] and Richard Stanford Jr. The hearing officers found that a "probable cause" to hold the protesters existed based on a particular theory. Under that theory, anyone who participates in a demonstration resulting in kidnappings are liable for conspiracy to kidnap even if they did not actually take part in the abductions.

Please see ARRESTS

ARRESTS: Jailing of 149 strikers largest in OC history

FROM

Drywall strike at a glance

An estimated 4,000 drywall hangers are on strike in Southern California. The strike began June 1 and has hit the home-building industry hard. Here are some issues involved in it:

Money: Drywall hangers are paid by the square foot. The current rate is about 4 to 6 cents, down from 7 to 8 cents a few years ago. Strikers said experienced workers earn about \$300 in a 60-hour week. Industry officials present a rosier picture, saying skilled workers can earn \$12 an hour and up. Strikers want the piece rate increased to 8 to 9 cents.

Benefits: Drywallers receive no benefits. Strikers want company-paid health insurance and vacations.

Union recognition: The strikers want union recognition. Loosely organized now, they meet at a Carpenter's Union hall and probably would seek affiliation with the carpenters if recognized. Unions lost power in the home-building industry more than a decade ago, and many contractors say a resurgence of union activity could devastate the industry.

The strikers: Most are Mexican immigrants. As many as half come from a single village, El Maguey in Guanajuato state in central Mexico, northwest of Mexico City.

The trade: Drywall hangers take 4-by-12-foot sheets of sheetrock, cut them to fit around plumbing, plugs and switches, and nail them into place on interior walls. Drywall tapers putty and sand the nailed sheets, repeating the process three times to achieve a smooth surface.

The industry: The once high-flying construction industry has fallen on hard times. Since office and home construction peaked in 1990, Orange County has lost an estimated 15,000 construction jobs. Dozens of companies have failed, and even the giant Irvine Co. has slashed its staff. Rumors of impending failures have become an industry staple.

— Ronald Campbell/The Register

Upson conceded that this was "a very unusual case."

Jesus Gomez, a drywall worker who was one of the strike organizers, said Friday that the kidnapping allegations are trumped up charges.

"The police are giving us a hard time," Gomez said. "They arrested (the workers) on the street, and there's nothing illegal with men on the streets."

The violence at the Mission Viejo construction site Thursday was the most serious since thousands of drywall workers walked off development projects June 1, further crippling an already suffering building industry.

The workers, whose livelihood is installing plaster-filled board over newly framed buildings, are demanding pay increases and the chance to form and be recognized as a labor union.

Sheriff's officials declined to discuss their decision to hold all 149 workers on trespassing and conspiracy to commit kidnapping charges.

A news release stated that the federal Immigration and Naturalization Service had placed holds on 88 of the arrestees, which means that those men face deportation once their Orange County cases are completed.

Twenty-three of those arrested are from outside Orange County.

Investigators allege that the demonstrators broke down a fence Thursday and kidnapped the six workers from the Pacific Hills housing development off La Paz Road in Mission Viejo.

The strikers left in a caravan of vehicles and were stopped some distance away from sheriff's deputies trailing them. The six victims, who have not been identified, were released unharmed.

Strikers were led to jail, defiantly raising their handcuffed wrists for television cameras.

Wives, children and girlfriends of demonstrators filled the Intake/Release Center at the Orange County Jail in Santa Ana on Friday, demanding visits.

With her two children in tow, Flor Espinosa of Los Angeles got in to see her husband, Felipe, 40. She said he and other arrestees with him appeared to be in good spirits.

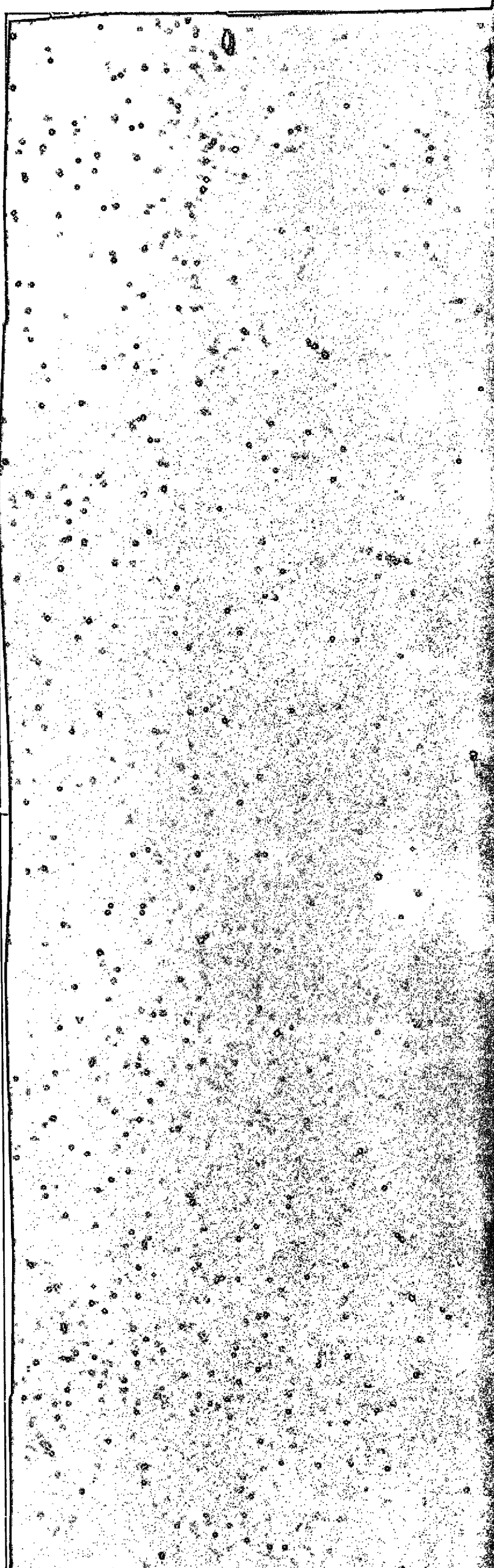
"He believes in what he's doing, and we're supporting him all the way," Espinosa said, but she admitted she was shaken by the felony allegations.

ny allegations

Maria Reyes, 23, of Buena Park, who gave birth to her son just three weeks ago, said she is less worried about the felony charges than the

\$50,000 bail to win the release of her husband, Raul Reyes Sr.

"I can't even come up with the rent for this month or for food for my baby," she said.



Drywall arrests plus holiday bring some early jail releases

By Gregg Zoroya
The Orange County Register

When 149 drywall workers arrested on felonies suddenly showed up at the Orange County Jail on Thursday, deputies were sent scrambling to find room.

"We don't really need to crowd up early on a three-day weekend," Assistant Sheriff Jerry Krans said.

The demonstrators had been arrested on suspicion of felony conspiracy to commit kidnapping. Bail was \$50,000 each and none was being released. To make room, dozens of other prisoners were sent home early and 100 beds were crammed into an already over-filled branch jail in Orange.

The county's five jails are designed to hold 3,200 people, but regularly are filled with 4,800.

The jail in Orange, a medium-security lockup called the Theo Lacy Facility, witnessed an immediate

population increase from 1,018 to 1,118, Krans said.

To make room, the jailers reworked a complicated formula for determining which prisoners most serving time for crimes such as burglary, narcotics violations, petty theft and grand theft could be released early.

Normally, prisoners win a third off of jail sentences for good behavior. Under the formula used by the Sheriff's Department, most also receive an additional 10 percent reduction because of overcrowding.

Thursday, for the first time in jail history, jailers began knocking off 20 percent from the sentences to release a new batch of prisoners, Krans said. And an emergency list of inmates who would receive 30 percent off of their sentences for an early release was prepared in case overcrowding during the holiday weekend grows even worse, Krans said.

CITY & COUNTY

San Diego

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THE SAN DIEGO UNION-TRIBUNE • SUNDAY, AUGUST 23, 1992

Drywallers' strike: confrontations multiply

500 workers, mostly Latino, fight for a union contract

By LEONEL SANCHEZ
Staff Writer

Tony Hernandez sits near a phone in the oppressively hot union hall office, dragging on a cigarette.

He is wearing a white T-shirt and olive-green shorts — the same ones from the night before — and he needs a shave.

He has not slept in nearly two days.

The 37-year-old is the local leader of about 500 striking drywall workers, mostly Latino, who are demanding a union contract guaranteeing higher

wages and health benefits.

He has spent the previous 12 hours driving to Los Angeles, Orange, San Bernardino and Riverside counties, raising bail money for four of the strikers arrested the day before while picketing a Rancho Penasquitos construction site.

When he arrived back in San Diego, he learned that two more had been tossed in jail and a third hospitalized after another confrontation.

When the phone rings and a police sergeant asks him to rein in his men, Hernandez is exhausted, incensed —

and ready to explode.

He unleashes a string of accusations against police. They are arresting the strikers on trumped-up charges but not the people who are provoking them, he says bluntly. All he hears is how the strikers are harassing replacement workers, he continues, but does anyone care if he's getting death threats over the phone?

When the sergeant asks him to work within the system to form his union, Hernandez snaps back with a statement that also summarizes the plight of the

strikers.

"I used to believe in the system," he says, "but I don't believe in the system any more."

How the system responds to the strike — the most confrontational in recent years — could have far-reaching implications.

Thousands of residential construction workers, many of them Latino, could be gin their own bid to unionize if Hernandez and his men ultimately succeed.

Since the strike began, builders and contractors have raised the wages of working drywallers and have promised

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Drywallers

The strike could have wide implications

Continued from Page B-1

them medical benefits.

Meanwhile, the 4,000 striking drywallers across Southern California have raised a war chest of \$400,000.

"This movement is comparable to the United Farm Workers movement in the 1960s," said Chris Nugent of Hermandad Mexicana Nacional, a social service agency in National City providing legal assistance to the striking drywallers.

"A predominantly Latino group of people are striking on their own to create their own union. None of these drywallers have organizing experience. It's very grass-roots."

'You have to fight'

Hanging drywall is hard, heavy work. It involves long hours of lifting slabs that weigh more than 100 pounds and wrestling them into place to fit the wall frames of houses.

At one time, the drywallers were mostly white and unionized, and health benefits were the rule, not the exception.

About a decade ago, subcontractors broke the union in Southern California by hiring immigrant, mostly Latino laborers who were willing to work for less money. Even without a union contract, they could earn \$500 to \$700 a week.

Now, nine out of 10 drywallers are Latino, many of them migrants who qualified for amnesty.

But the new generation of workers opened themselves to exploitation. They worked longer hours, including weekends. And they had no medical benefits or vacations.

In the last three years, a stubborn recession has hammered the housing industry in Southern California. Developers and contractors, in turn, slashed the wages of the workers.

Hernandez expected better times when he moved his family to the San Diego area two years ago from Sacramento, where he worked 15 years hanging drywall. The Mexicali native looked forward to year-round sunny weather and to living near his wife's parents in Temecula.

He soon found out he was mistaken to believe the pay could be as good as in Northern California, where drywallers are unionized.

Hernandez was earning \$300 a week last December, nailing drywall in Orange County housing tracts, when he and a friend, Luciano Salazar, were approached by Jesus Gomez, the man credited with first organizing drywallers across Southern California.

"He said, 'We're starting to meet on Saturdays. . . . We don't like the payments or the working conditions. It's time for us to do something.' So we started going to the meetings," recalls Hernandez, who last week was recuperating from surgery on his right



Seeking a contract: Tony Hernandez speaks at a meeting of

wrist — the result of a fall on the job months ago, the second major injury he's suffered in 17 years as a drywaller.

In one meeting, Hernandez stood up and urged the 60 drywallers to fight for a union contract.

Before long, he and Salazar were tapped to spread the word in San Diego County.

At a labor rally in Van Nuys, Hernandez met Cesar Chavez, the founder of the United Farm Workers, whom he said told him, "If you want to do something right, you guys have to keep it together. You have to fight for your rights."

Contentious dispute

The strike began June 1, when as many as 1,800 workers in San Diego County joined thousands of drywallers who walked off their jobs from Ventura to the border.

Since then, as many as 150 pickets descend daily on housing construction sites, subcontractor offices and hiring halls from Oceanside to Chula Vista. The demonstrations are organized out of the Kearny Mesa hall that the drywallers are borrowing from the carpenters' union.

More than 300 strikers have been arrested across Southern California. In San Diego County, 53 drywall workers had been arrested as of Thursday.

The strikers have been accused of knocking down fences, stealing equipment, throwing rocks and kidnapping workers. A drywall supervisor recently told police he was held captive for two days inside his San Diego apartment by a group of angry drywallers until he was able to escape out of a back window.

Strike leaders deny the incident ever happened.

Authorities have dropped charges against one-third of the pickets arrested, while others await court dates, said Nugent, who has been giving the drywallers le-



FILE PHOTO

Tony Hernandez: "I used to believe in the system."

gal assistance.

Like his fellow pickets, Hernandez distrusts developers, police and the media, whom he blames for portraying the strike as a reign of terror over helpless developers.

Police officials say they are not taking sides but describe the picketing as the most confrontational campaign since the Operation Rescue demonstrations outside abortion clinics in 1989 and 1990, and the most contentious labor dispute since the large-scale walkouts at NASSCO in the 1980s.

"But with the Operation Rescue and the anti-war demonstrations, there was an end to look at. In this case, there are no negotiations between either side and we don't know what the outcome is going to be," says San Diego Police Capt. Kraig Kessler, who heads the department's newly formed task force to monitor the strikers.

Hernandez complains that the media and police are indifferent to what has happened to the strikers.



the drywall workers.

FILE PHOTO

hit with rocks and sprayed with water and Mace.

Hernandez says the strikers are law-abiding but will defend themselves.

"I tell everyone: We're not Jesus Christ. We're not going to turn the other cheek."

'Ultior motive'

As spokesman and main organizer of the 500 men on strike in the county, Hernandez is the most visible member of the local effort.

While his men revere him as inspirational and a calming presence during tense times, the opposition paints him as an opportunist and an agent of the local carpenters' union, which stands to gain dues-paying members if the drywallers succeed in unionizing.

"Tony Hernandez has an ulterior motive and that is to become a union steward and live the life of ease and make a lot of money," said Bob Winterton, a spokesman for a group of 25 drywall subcontractors in the county.

But Hernandez, who arrives at the union hall at 4:30 a.m. and works 16-hour days organizing the strike, says he would be happy to be hammering again.

In between fund-raising trips across Southern California to keep strikers and their families afloat and his organizing duties, he has precious little time to spend with his wife and five children in the Carlsbad home they rent.

"I never expected this much work," Hernandez says. "But I'm not giving up. No way."

After the first month, the strike lost momentum when dozens of strikers returned to work — although organizers and subcontractors dispute the precise number.

But the recent outpouring of financial support, he says, combined with his strong belief in the power of unions and a desire to prove that Latinos are not just cheap labor, has kept him going. Across Southern California, the drywallers have raised an estimated \$400,000 war chest in contributions from union members, attorney groups, social service agencies and Latino organizations.

"They never expected us to stand up for ourselves. Tell me what is it that they call Mexicans?" Hernandez asks rhetorically. "They call us cheap labor."

Impact on business

Builders say the strike is not seriously hampering the housing industry. The recession has already done that, they say.

However, the drywall subcontractors — the companies that hire drywall workers — say the strike is costing them hundreds of thousands of dollars in building delays, additional security and training for new workers.

Winterton says the strikers don't even represent the majority of the drywallers any longer. Most of the 900 workers on the job today are former strikers who returned to work when the subcontractors raised their wages, he says.

He says journeymen workers now earn up to \$1,000 a week

"If you want to do something right, you guys have to keep it together. You have to fight for your rights."

CESAR CHAVEZ

Founder of the United Farm Workers

and will have health benefits beginning next year.

"I think the initial walkout accomplished the desired purpose in a few weeks," Winterton says. "... The group that is still out demonstrating isn't interested in money. They're interested in a union agreement."

The subcontractors — who formed the San Diego County Drywall Association shortly after the strike began — adamantly oppose signing a union contract. They don't want to deal with labor restrictions and fear they will not be as competitive if the developers decide to do business

with subcontractors who employ cheaper, non-union drywallers, Winterton says.

Hernandez and union leaders don't see it that way. They say builders and subcontractors have slashed their wages to continue to rake in big profits during the recession.

Hernandez says they are afraid that if they give in to strikers' demands, other non-unionized groups, such as housing framers and plasterers, also will seek union contracts.

Many who work under similar conditions hope the strike will succeed, says Joe Francis, executive secretary-treasurer of the San Diego-Imperial Counties Labor Council/AFL-CIO.

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It's a hot weekday afternoon. A convoy of trucks carrying more than 100 men rumbles through a winding road in Poway. The sounds of Mexican music and idle chatter in Spanish grows louder as the trucks approach

Tony Hernandez complains that the media and police are indifferent to what has happened to the strikers.

their target — a tract of unfinished houses.

Federico Castaneda, the driver of the lead truck, gestures as if he is going to enter the site, but a muscular security guard runs up in time to shut the barbed-wire gate.

The two men exchange glances.

They recognize each other.

A few moments later, the men pour out of the trucks and begin picketing.

They demand that the drywallers working inside join their strike.

"Vengan afuera!" (Come outside) they chant in Spanish.

About an hour later, the workers do venture outside, shielded by security guards and police officers. Company officials whisk them away to their office in Mira Mesa.

Undaunted, the pickets follow, and wait outside the office.

"They're keeping our employees prisoners in here," complains Charles Duggan, executive vice president of Great Western Drywall, which by now is surrounded by security men and police officers.

About three hours later, the strikers — exhausted from marching in the box-car temperatures of summer — leave without incident.

When they arrive back at the union hall in the evening, there is a pile of bread waiting for them on a table. Those who venture inside one find Hernandez still sitting near the phone, puffing on a cigarette, sifting through some papers.

He looks up, reaches into a plastic bag and tosses them buttons advertising an upcoming event in October: "The National Commemoration of 500 years of Raza resistance."

Unaware of their meaning, one tired worker asks another, "These are medals, right?"

Unions Get a Wake-Up Call as Drywallers Achieve an Unlikely Victory

By MICHAEL FLAGG
TIMES STAFF WRITER

Dozens of drywall subcontractors got to the office on a cool, cloudy Monday in June to find an unpleasant surprise with the morning coffee: Their workers were on strike.

Hundreds of laborers were marching and waving placards outside the same housing subdivisions they had been working in Friday afternoon.

The workers were demanding their first raise in 10 years. Since no one was insured, they wanted health insurance too.

Most of all, though, they wanted a union.

The workers didn't seem to have much of a chance. Many of them were here illegally, had little education and didn't speak English. They had little help from other unions—in part because 10 years earlier the subcontractors had used these men—all Mexican immigrants—to bust the carpenters' union.

And behind the relatively small drywall companies loomed Southern California's multibillion-dollar home-building industry. If threatened, it could muster plenty of money, lawyers and political clout.

But now, five months later, the drywall workers have apparently won: They'll probably sign a contract, as early as this week, with most of the large drywall subcontractors.

When they do, they will turn a page in Southern California labor history.

The 1980s were not kind to labor unions. Membership dropped. Some, such as the air traffic controllers, got bounced from the workplace. And the federal National Labor Relations Board, which oversees union elections, tilted away from labor under Republican presidents.

Some union officials urged their locals to get out and organize, but many were hesitant to spend the time and money. And the construction unions in particular haven't been on the cutting edge of the labor movement anyway, tending to be conservative and closed to outsiders.

And yet here is the largest organizing drive in the nation today: The drywall business employs an estimated 4,000 drywall hangers in Southern California.

The more perceptive subcontractors realized what had happened: The immigrants had worked too many 12-hour days screwing plasterboard onto the wooden frames of houses only to be cheated out of their wages. Then last year, in the thick of the recession, the subcontractors cut wages to about \$300 a week or less. Had the industry not squeezed the men so hard, it might not now have a messy revolt on its hands.

"Some of it was because the home builders were squeezing us to get our costs down," said one subcontractor. "But part of it was greed too."

The construction unions were not blameless, either. Even some union officials concede that they were arrogant, inflexible and should have helped out with concessions when the housing industry went in the tank in the 1981-1982 recession.

So in the late 1970s and early 1980s, Southern California's home building industry—heavily unionized since the 1950s—began kicking its unions out, including the carpenters.

The drywall workers' benefits disappeared—vacation, pension, health insurance. But wages didn't go down much, and the business soon attracted hundreds of Mexicans fleeing the poverty of rural Mexico. You could make \$500 a week hanging drywall in Southern California, even if it was hot, hard work that eventually twisted and tortured your joints.

There were other drawbacks too. It was no secret there was a lot of corruption in the drywall industry, even by construction industry standards. When state and federal investigators cracked down on the construction industry three years ago, they picked drywall first.

Some subcontractors were notorious for paying wages in cash, thereby evading the withholding of federal and state income taxes, unemployment insurance and workers' compensation payments. They often paid the men through "labor barons," usually other Latinos who took a cut of the wages paid to the workers whom the barons provided.

When a subcontractor underpaid him last fall, Jesus Gomez said, it was one time too many. An intense, mustachioed man, Gomez knew it's hard to organize workers in tough times. On the other hand, he says now, the drywall workers had nothing to lose. He began to meet with other drywallers about bring-



Drywall worker Silberio Nieto, at right, with his two sons, Jose Nieto, in foreground, and Mike Wilson, outside a union hall in Orange.

ing back the union.

"It was an historic event," said Miguel G. Caballero, legal director of the California Immigrant Workers Assn., a union-funded group in Los Angeles. "It was the first time you had this large a group of Mexican immigrants looking over their economic situation, deciding on their own without a union to walk off the job, and pull the union and the other institutions with them."

"It gives a big boost to the people in the labor movement who are arguing for more organizing."

When Juan Valadez came north to Orange County from the central

AURELIO JOSE BARRERA / Los Angeles Times

Mexican village of El Maguey in 1963, he had no idea he'd just started a phenomenon. He found a good job hanging drywall in the suburban county's booming housing industry. Cousins and brothers followed. By the 1980s, when the drywall work force had become almost completely Mexican, hundreds of its workers were men who had made the 1,300-mile trek from El Maguey.

Like Valadez, many have abandoned any idea of returning; they've bought houses and put children through college.

More Latinos have, in fact, entered the work force: By the late 1980s, 12 million people of Mexican origin alone lived in the United

States. And the Mexicans who emigrated here had changed. No longer were they young single men, who most likely worked on a farm and were supporting a family in Mexico that they intended to return to.

Today, most Mexican immigrants come to this country to stay, according to a recent study by the RAND think tank in Santa Monica.

The unions were slow to catch on. They were used to seeing Mexican immigrants as potential strikebreakers; in fact, the labor movement has a history of opposing immigration, often viewing newcomers as threats to the higher-paid, more skilled native Anglo workers the unions tended to represent. And the immigrant workers were hard to organize: Many spoke only Spanish, had different customs, and—if in this country illegally—feared being deported.

Although 1.5 million, or 11%, of its 14 million members are Latino, the AFL-CIO has only one Latino on its 33-member executive board. And he was elected only last year after years of complaints.

"The drywall strike is a wake-up call to unions," said this man, Jack Otero, a senior vice president at the Washington headquarters of the Transportation & Communication Workers Union.

"There are 8 million Hispanic workers out there," he said. "But you've got to have Hispanic faces, people who speak Spanish, at all levels if you want to reach out to them."

Ordinarily, a union organizes a company by collecting enough worker signatures to win an election. Then the union bargains with the employer for a contract.

Gomez and the other strike leaders realized, however, that the drywall companies are so small and so spread out over six counties that it was unrealistic to try and hold elections at each one. They decided to simply go on strike demanding a union and a contract at a single stroke. It was an old-time union tactic called a wildcat strike that's little-used these days.

Over the summer, the men picketed each day. But as they got frustrated and short of cash, they also began vandalizing half-built houses and threatening men who continued to work.

Even though hundreds of thousands of dollars poured in from other unions, it looked like the subcontractors would merely wait

out the workers. Then in August, lawyers for the strikers sued the subcontractors. They had, the lawyers alleged in the federal lawsuits, discovered an amazing fact: For years, the lawyers alleged, subcontractors had never paid hundreds of men a dime of overtime, a violation of federal labor law.

Looking at a long, costly legal battle and the prospect of having to open their financial books to the drywallers' lawyers, the subcontractors capitulated: In October, several agreed to talk to the men about a contract.

While the strikers didn't get everything they wanted, wages will return to about \$500 a week. And they won't go down again. And the strikers got their health insurance too.

This isn't the first time that a union has organized a big group of Latino workers. For several years in Los Angeles, the Service Employees International Union has been organizing Los Angeles janitors in its "Justice for Janitors" campaign. It's not even the first wildcat strike by Latino immigrants. A group of mostly Latino machinists walked out of American Racing Inc., which makes auto wheels near Compton, in 1990.

But the drywall strike is the largest and most visible such campaign so far. And it's good news for the unions and exploited workers in other industries.

"The strike achieved celebrity status very quickly," said Joe Shantz, national director of organizing for the AFL-CIO in Washington. "Throughout the Southwest, it's got workers taking notice of what the drywallers did."

But even if unions go after this new immigrant "market" of the poorest and most exploited workers, they aren't likely to halt the long-term decline in union membership—7 million members lost in private industry in the last 20 years alone.

"What you're seeing is what I would have to call a holocaust," said Leo Troy, a Rutgers University professor who studies labor unions. "Compared to it, organizing activity is a spit in the ocean."

For the Record

Greg Kafoury—A caption in last Sunday's edition contained an incorrect spelling of the name of Greg Kafoury, a member of a committee seeking to shut down Oregon's Trojan Nuclear Plant.

Drywallers' Strike Nails Down a Principle

■ **Labor:** Workers, especially immigrants, need a 'public face' to win justice on the job.

By MIKE CLEMENTS 11-16-92

For five months, carpenters' union halls in the Los Angeles area bristled with activities reminiscent of California's farm worker organizing efforts in the 1960s and '70s. The halls had been opened to drywall workers seeking union recognition from about three dozen drywall companies. Caldrons of steaming food were prepared in the small kitchens to feed the hundreds of striking workers seven days a week; visitors brought food and money, each donation raising morale in the usually quiet union halls. As the weeks passed, these workers' family and geographical ties to Mexico reinforced their solidarity and resolve.

Now, with the union contracts won, it would be a mistake to draw the lessons of this effort too narrowly. The very significant accomplishment of these immigrant workers is a sign that the construction industry is ripe for organizing by the building trade unions. But what these exploited drywall workers won goes beyond guaranteed wages and benefits.

Before these angry workers walked off the job or key construction sites in June, they had no public existence. Hardly anyone, not even the unions, knew of the reality of these thousands of workers locked into manual labor at poverty-level wages with no medical benefits, living in cramped apartments in dangerous neighborhoods, their children attending overcrowded schools and having hardly any access to health care.

This lack of recognition isn't peculiar to drywall workers; not having a "public face," extends to tens of thousands of

marginalized people in Southern California.

Uniquely and to their credit, leaders of the drywallers went public in their campaign to win basic recognition as working people with rights.

The drywallers began developing a public existence by forging a relationship with the International Brotherhood of Carpenters and Joiners. Jesse Martinez, who heads Carpenters Local 309, and who is also a Catholic deacon, understands the workers' pain, anger and hopes. In 1987,



AURELIO JOSE BARRERA / Los Angeles Times

Drywallers draw attention with mass protests in Santa Ana.

Martinez brought his membership, with higher-wage trade jobs, into the Industrial Areas Foundation-led campaign to raise the state minimum wage for the poorest-paid workers in California. The carpenters union, of course, was aware that residential construction had become almost entirely non-union, with union workers being replaced by immigrant workers. When leaders like Martinez and the carpenters' district president, Doug McCarron, embraced the hopes and energy of these workers, they had won their first recognition fight.

The strike gained critical public attention through the efforts of Mario Valadez, himself a drywall worker who had cut short his

university education several years ago to return to the trade when his family was facing tough financial times. The drywallers' initial strike activity had no media coverage or community or religious support. Valadez, learning by doing, cultivated impressive coverage and considerable community support. The drywallers lost their anonymity during work-site protests that led to arrests and criticism, but at least they now had public recognition, which led to growing support. Important public figures stepped forward and recognized these

workers. Amin David, founder of the Latino business and professional organization Los Amigos spoke out vigorously on their behalf. Msgr. Jaime Soto, vicar for Hispanics in the Diocese of Orange, worked both publicly and behind the scenes for an equitable resolution of the dispute. Hermandad Mexicana provided leverage with important legal assistance.

Critical recognition came next from the subcontractors who sat down in negotiations with the drywallers and the carpenters union.

Finally, last Tuesday an agreement was signed that gave the drywallers union representation, increased

wages and health-care benefits.

The ultimate recognition and proudest achievement of these brave workers would be for other unions, for other employers, for religious leaders and the taxpaying public to recognize that we all lose when workers lack a public voice to communicate pain and injustice.

The children of these drywall workers should be proud of their parents who, even in these tough economic times, stood tall and refused to live with exploitation in anonymity.

Mike Clements works with churches and minority communities through the Industrial Areas Foundation in Los Angeles County

Los Angeles Times

Hope of Nailing Down a Union

By MICHAEL FLAGG
TIMES STAFF WRITER

ANAHEIM HILLS

Four hundred years ago, buccaneers roamed the Spanish Main, plundering galleons heavy with silver spewed out by the mines of Mexico's Guanajuato state. But now Guanajuato exports something entirely different: men.

Over the last three decades, hundreds of men from one small village alone—El Maguey—have taken the 1,300-mile road north from central Mexico. Nearly every one finds the same job: Nailing up drywall for Southern California's housing industry.

Many of them are related. This blood link is a major reason that most of the drywall installers in Orange and San Diego counties have walked off the job these days, crippling the building industry. And these few hundred men are at the core of a thousand or so drywall hangers who walked off the job more than a month ago.

The men of El Maguey have organized this protest themselves; they don't even have a union. In fact, getting a union is one of their demands, so they can ensure wages don't slip any further. Right now, they make about \$300 a week. Ten years ago, when the business was still unionized, drywall workers made twice that and more.

Most remain Mexican citizens to this day. But the struggle for a union shows that the men of El Maguey have learned the ways of the United States, just as earlier waves of Irish, Italian and German immigrants beat the system that exploited them by joining trade unions or running for public office or getting an education.

"When the first generation no longer fantasizes about going back to Mexico, that's the dividing line," says Marcelo Suarez Orozco, an anthropologist at UC San Diego who has studied emigration from Mexico.

"After a while, these men begin to compare themselves to American workers; they begin to think of themselves as 'hyphenated' Americans—as Mexican-Americans."

Most of the Mexican workers in the United States come from three states in central Mexico: Jalisco, Chocoma and Guanajuato.

El Maguey is a village of several thousand people nestled in one of many valleys of Guanajuato, a state of mile-high mountains and deep ravines a couple of states north and west of Mexico City. El Maguey is named for a plant with long, spiky leaves that grows around the town, a plant from

There isn't much work in Mexico's rural villages. So it begins this way: A young man goes north, finds work, sends some money home, and soon more men join him. When they have a little money, they return to the village to find a wife and take her north. So strong is the lure of the north that villages like El Maguey are virtually devoid of young men.

In 1963, Juan Valadez came from El Maguey to Orange County and found work hanging drywall. Home builders were knocking houses together as fast as they could in the sunny days when

California exploded with growth.

After a while, Valadez's three brothers joined him. The business back then was unionized, and the money was good, sometimes \$350 a week if you worked from dawn to dusk. That was up to \$18,000 a year when a little ranch house cost \$24,000 and a new Chevy Impala would set you back \$3,500. It was enough to let you live a middle-class life and, as Valadez did, even put a couple of kids through Stanford.

A lot of the money went back to El Maguey; suddenly there were new houses all over the village and people wearing American clothes.

Hanging drywall is one of the hardest, hottest jobs in construction. Drywall makes up the interior walls of a house; it usually comes in half-inch thick slabs of paper and plaster four feet tall by 12 feet long and weighing more than 100 pounds.

Drywall hangers wrestle the slabs into position and nail them onto the house's wooden frame. Seams are later taped and the sheets are painted.

Hangers are paid a piece rate; that is, a man's wages depend on how many square feet of drywall he can hang. A skilled man could race through a house back then, nailing up drywall as he went. It was easier and simpler because most houses were square, blocky affairs the old-timers called "dingbats," with none of the features found today to slow you down—cathedral ceilings, for example, or tricky arches, what's called a "cut-up" house.

Wages were high because the drywall companies all had unions and, with the housing market booming, the demand for skilled labor was brisk.

But during the last recession in the early 1980s, that began to change. Hard times meant that the home builders and their drywall subcontractors suddenly had a reason to bust the unions,

which represented the drywall hangers.

A flood of cheap labor from Mexico assured the drywall companies of plenty of people hungry enough to replace the union men. In just a few years, the residential drywall business had no unions at all.

Wages began to drop; the Anglo workers who had once dominated the industry when it was unionized left in droves, and the subcontractors replaced them with more men from El Maguey and elsewhere in Mexico who were more than willing to work for less. When drywall workers were unionized, one in four was Mexican; afterward it was nine out of 10.

Roy Navarro is typical of the men who came after 1982. Now 31, he was washing dishes and cooking in Chicago a decade ago, just as his father had done.

When Navarro came to Orange County to work drywall in the early 1980s, he made enough to support his own family in Fullerton and send money to his widowed mother and three sisters in El Maguey.

Navarro and the other men—few of them high school graduates, some of them illiterate—also managed to earn enough money to donate to the construction of a grand new church in the village, although as wages dropped in the last few years, a lot less money has been going back to Mexico.

It's a hot, muggy weekday, and Navarro—one of the leaders of the current walkout—is parked in an Anaheim Hills shopping center scouting one of Southern California's hundreds of construction sites for signs of drywall being hung inside. If he sees anybody working, he'll go make a phone call and pickets will suddenly roll up in battered pickup trucks and begin chanting their slogan: "Si, se puede!"—"Yes, it can be done!"

Across the street, a large apartment building is under construction. There's another one behind it. "I did that one," he nods at the finished building. "It was four or five years ago, and I got paid twice! What these guys are making now for the same work."

"We're being squeezed to death," he says. "A guy I know, his wife left him when the money started drying up. Pretty soon we won't even be able to support our wives and kids."

As the housing market went off a cliff in 1989, the home builders began to pinch the subcontractors, who turned around and pinched

wages so hard that even the low-paid Mexican workers began to complain.

It was their own people, some of them from El Maguey even, who helped exploit them. The new non-

union system created a "group" of labor brokers—or, as some people call them, "labor barons"—who rounded up Mexican workers and supplied them to the subcontractors.

The labor barons acted as go-betweens for the companies and the men. Often, the men say, the barons cheated them. And the barons often paid in cash, cheating the government out of income taxes, Social Security and workers' compensation payments too. The men had no benefits, no health insurance, no vacations, while the barons drove Mercedes-Benzes and lived in big homes.

"These guys control your shop," says Joe Sayatovich of Sayatovich Drywall Interiors in the San Diego County town of Lakeside, who says his company doesn't use any barons. "The guy says who works and who doesn't. He runs the whole show."

Construction—and the drywall business in particular—are notorious for paying cash.

"Cash pay is rampant, particularly in construction," said a 1989 report by the Orange County Human Relations Commission on the underground economy titled "Zero Dollars Per Hour."

Cash pay means unscrupulous contractors can edge out their law-abiding competitors in bidding for jobs; it leaves workers with no insurance or pension; and it diverts as much as \$2 billion in income taxes alone from government coffers, the report estimates.

There's another irony in all this: With the drywallers' walkout more than a month old, the subcontractors are bringing onto their job sites still more Mexicans. These are men who have been washing dishes for even less money than drywall hanging pays and who have never hung drywall in their life. The subcontractors also say they are recruiting experienced drywall

hangers from Northern California and other states.

As the strike wears on into its second month, the sides remain far apart, circling warily to see who will cave in first. The drywall companies adamantly refuse to recognize a union again, and the men refuse to return to work without one.

Without a contract, the men say, the companies would soon take back any wage gains they might offer to lure the men back to work. The contractors have done that twice before, the men say, the last time during a walkout in 1987.

Even though they began saving money and storing food weeks before the strike began June 1, those meager stockpiles are dwindling. At a borrowed union hall in Orange, donated beans and potatoes pour in from the local Latino community, and the men make beans and tortillas for each other at lunch each day to save money. In frustration, some of them have turned to trashing drywall and breaking windows in half-finished homes.

They won't, they say, go back to the old way.

"These men finally realize they have to get out of the underground economy," says Jesus Gomez, another El Maguey man and a leader of the walkout. He started this whole affair last November, he says, when he got fed up with the system after a labor baron cheated him out of \$60.

"There may be fewer jobs when all this is over, but at least they'll be decent ones," he says.

As for the man who really started it all by being the first from El Maguey to get a job in the drywall industry, 54-year-old Juan Valadez has been running his own small drywall company in Fullerton for the last five years.

"Why would I go back to Mexico now?" he asks. "All my kids are here. This is where I live."

DRYWALL: 88 of Arrested Strikers May Be Deported

Continued from A1

tion Service, said Lt. Richard Olson, a Sheriff's Department spokesman.

Later in the day, hundreds of raucous supporters rallied at a union hall in Orange and organized a legal defense strategy for their co-workers. At both the jail and the union hall, the supporters pledged to continue the labor battle on behalf of the arrested workers.

"The wives are definitely not going to sit down," said Lorena Munoz, 19, of Fullerton as she stood outside the jail. "We are going to picket and stop construction." Munoz said 15 of her relatives, including cousins and uncles, had been jailed.

The drywall workers were rounded up Thursday morning in an unusual mass arrest by sheriff's deputies after the workers allegedly stormed a Mission Viejo construction site, stole equipment and kidnaped six workers.

It was the first major confrontation stemming from a 5-week-old walkout by drywall workers demanding higher wages and formal recognition as a labor union. In another protest Friday, 18 workers were arrested at a San Diego site.

All 149 men arrested Thursday were charged with misdemeanor trespass and felony conspiracy to commit kidnaping and held on \$50,000 bail each.

Some of the wives, who kept watch outside the jail for about five hours, complained about what they considered excessive bail and charged that some of the men scheduled for deportation are legal residents. They also said that family members had been given conflicting information about where the workers were jailed and that some were arrested unjustly.

"My husband was just sitting on a truck when he was arrested, and now they want \$50,000," said Maria Segura, 34, of Fullerton. She said that when she and her four chil-

dren visited her husband, Pedro, 36, "he was crying when he saw me and his kids."

None of the construction workers had posted the \$50,000 bail as of Friday evening, the Sheriff's Department said. Olson said that the bail set in the cases is standard for the charges filed.

Part of the confusion over where the inmates were held, he said, stemmed from the fact that the Santa Ana facility is overcrowded. In order to keep all of the arrested strikers together and make room for them, officials decided to transfer them to the Theo Lacy facility in Orange late Friday afternoon.

The mass arrest created problems for the Sheriff's Department, Olson said, because extra beds had to be set up at the Santa Ana facility and additional officers deployed to handle the disturbance.

"This incident caused a major interruption in the deployment of patrol deputies and plainclothes investigators at several locations," Olson said, adding that the service levels throughout the county were maintained. Two of those arrested are minors and were transferred to the juvenile detention facility in Orange, Olson said. About two-thirds of the workers were from Fullerton, Santa Ana and Anaheim, with the remainder from throughout Southern California.

Because of the large number of arrests, Olson said it would be difficult to track the status of each case until the workers are arraigned on the trespass and kidnaping charges on Tuesday—a delay caused by the long Fourth of July weekend.

One of the group's organizers, Tony Hernandez, 37, of San Diego, denied that wildcat strikers had kidnaped the six workers from the job site at the Brighton Home project near Oso Viejo and L Road.

"We invited them [to the job] and they agreed to

Hernandez said. "But when their bosses showed up with the sheriff [deputies] they said, 'Oh, they were [kidnaping] us.'"

In a show of unity, he said, all of the striking workers agreed to be arrested.

Lt. Larry Abbott, the department's industrial relations representative, who was at the scene of the protest, said that the workers appeared to use "intimidation and physical force" against the six workers, which fits the legal definition of kidnaping.

Olson said that a special unit led by Abbott had met with organizers

to make sure they understand the legal limits of the law." During the last couple of weeks, Olson said, the unit closely followed the union organizers in an attempt to prevent any major disturbances.

Abbott and representatives of the San Diego and San Bernardino sheriff's departments met with some of the organizers in a three-hour, closed-door meeting at the union hall Friday night. Afterward, he said that organizers complained that they had been treated differently by each department for similar protests, and the police agencies agreed to name a liaison to

handle the workers' concerns.

"They've agreed to call us before doing anything," Abbott said, but he added that after a conversation detailing legal issues surrounding protests, "they didn't agree to obey the law."

At the union hall rally that included Msgr. Jaime Soto, the Hispanic Vicar of the Diocese of Orange, workers said they would not be intimidated by the arrests.

"We can still see the enthusiasm," said one of the organizers who would only identify himself as Roy. "It's moving ahead."

Hernandez added that the wives were ready to step in for their jailed spouses.

"Starting Monday, they want to picket at job sites," he said.

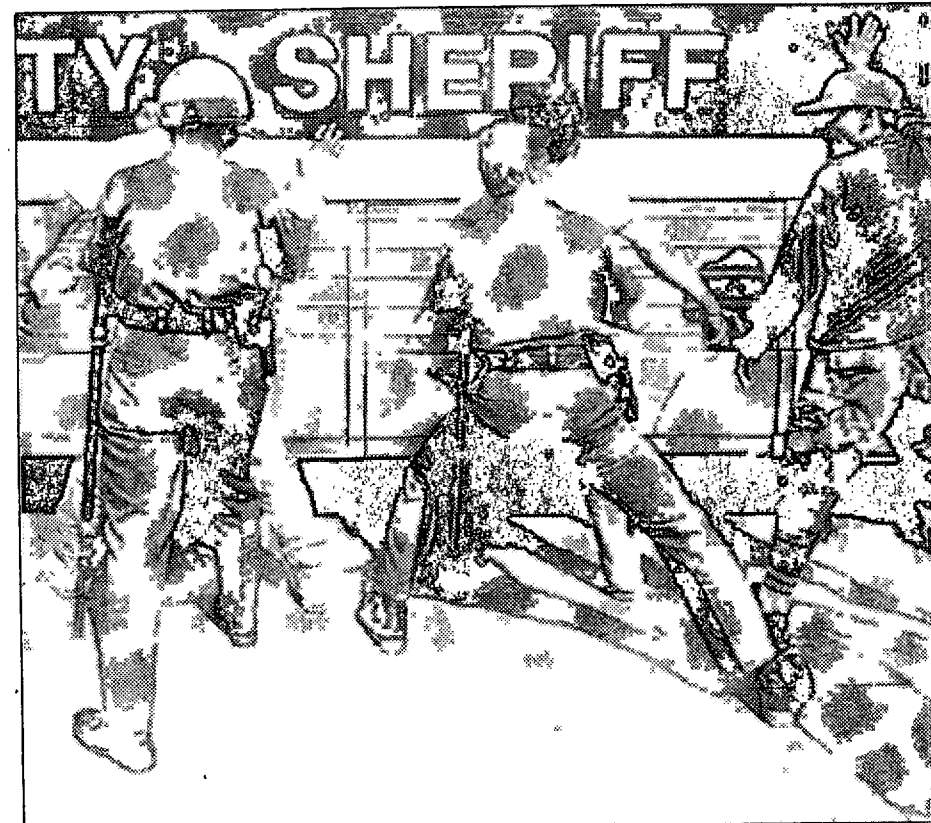
Because the would-be union has scarce resources, organizers said they had spoken to a couple of attorneys but arrangements were unclear.

Drywall workers, who install plasterboard on the frames of new homes, have been going onto job sites to enlist support for their strike and demands for higher wages. Hernandez said that the \$18-per-hour wage he received in 1979 has been slashed by two-thirds.

Building industry officials have refused to consider the demands for a union. Drywall companies say the result has been occasional vandalism at half-finished homes.

Drywall Protest Becomes Standoff

A group of angry, chanting drywall workers stormed a Mission Viejo construction site Thursday morning and dragged off six workers, releasing them unharmed after a two-hour standoff with more than 50 sheriff's deputies. The drywallers surrendered peacefully to authorities, who said they made 149 arrests. It is the latest incident in a 5-week-old walkout by drywallers that has touched construction sites from Ventura County to the Mexican border. The workers, who are not unionized, say their wages have dropped sharply during the current construction slump. They say they are paid only \$300 for a 60-hour week, down from \$500 a week several years ago. The mass arrest was the largest in Orange County in recent memory, authorities said. The Sheriff's Department said it would charge all 149 men with conspiracy to kidnap, a felony charge.



Orange County sheriff's deputies frisk protesting workers during mass arrest.

88 of Arrested Strikers Face Deportation

By GEBE MARTINEZ
and BOB ELSTON
TIMES STAFF WRITERS

SANTA ANA—More than half of the 149 drywall workers arrested Thursday in a bitter labor dispute are illegal immigrants and will be deported after pending criminal charges against them are settled, the Orange County Sheriff's Department said Friday.

Emotions ran high throughout the day as dozens of wives and other family members gathered at the Orange County Jail to show their support for the incarcerated workers, 88 of whom are believed to be illegal immigrants. They were identified as part of routine checks conducted at the jail by the U.S. Immigration and Naturaliza-
Please see DRYWALL, A35

Shrinking Wages and a Lack of Work Spark a Rare Labor Showdown

Construction: About 1,000 drywall installers are into a three-month walkout. They are seeking better pay and acceptance of a union by the building industry.

By MARLA CONE
and ERIC YOUNG
TIMES STAFF WRITERS

ORANGE—At age 56, Silberio Nieto has helped build hundreds of houses from Ventura to San Diego, through boom times as well as bust. Working side by side with his two grown sons, Nieto used to believe that he was doing more than constructing nice tract homes for prosperous Anglo families he would never meet; he thought he was building a comfortable life for his family.

But after 15 years, he has little to show for lifting and nailing 100-pound sheets of plaster on walls—sometimes six days a week, 12 hours a day—except a lean, sore body and callused hands.

Nieto's income, as high as \$23,000 a year in good times, has been whittled to around \$6,000, and he was dismayed to see his paycheck shrinking to smaller than what it was a decade ago despite working just as hard, if not harder. His wallet empty and the rent unpaid, Nieto grimly confided to his wife, Linda, that he doubts that he can find another occupation at his age.

"So many homes we have built, I have built," said the gray-haired grandfather, who rents a house in Riverside. "And none of them are mine."

Banding together, frustrated workers such as Nieto have ignited one of the largest, most organized and highest-profile labor movements in recent years in Southern California, which is notoriously unfriendly terrain for unions.

The three-month walkout of about 1,000 drywallers is a show of solidarity among a group of mostly immigrant workers, many of whom are not U.S. citizens or are virtually unaware of constitutional rights and the tumultuous, bloody birth of American unions.

Most pressing, the strikers say, is their demand for increased wages, although they also are seeking acceptance of a union by the building industry and benefits such as health insurance, pensions and vacations. They say they are prepared to strike for months.

The labor unrest stems from the cyclical, maturing process that occurs among all immigrant work forces, said Raul Hinojosa, a UCLA professor of urban planning who specializes in Latino immigration and U.S.-Mexico relations.

"As people are here for a while, they begin to organize and demand their rights," Hinojosa said. "Clearly, they have been fed up for a long time, but now they are saying: 'We

have to take a stand because we have nothing to lose.'"

But as the strikers cry foul over reduced wages, Southern California's builders say that the drywall workers are paid fairly and are victims of the severe recession that has crippled the entire industry.

Because of trouble obtaining financing and a severe slump in sales, home builders in the last two years have been forced to lay off many employees. Some have declared bankruptcy.

"This is the most difficult recession in the 30 years I've been in business," said George Lightner, president of Lightner Development Inc. in Rancho Cucamonga. "Everyone in the industry has had to lower prices. These are very difficult times."

Bob Sato, president of a drywall contractors trade association, said the industry had too many contractors and laborers—even during good times—which kept drywallers' wages low.

"There were too many contractors attracted by the boom, and the greater the supply, the smaller the demand," Sato said. "There was an increase in the availability of labor,

so wages went down too."

In the more skilled construction trades, such as plumbing and electrical work, strong unions exist, so wages among those workers remained higher as the pay scale of drywallers dropped, he said.

About 90% of the non-unionized laborers in Southern California's residential drywall business are Latino, many of them Mexican immigrants in their late 20s and early 30s. No one is sure how many are in the country illegally, but when police arrested the 150 strikers in July, one-third were illegal and the rest were first- or second-generation legal immigrants. Many, such as Nieto, who migrated here in 1962, have lived more years in the United States than they did in their native Mexico.

Contractors pay drywallers "by the piece"—a set amount for every square foot of drywall they hang. Their wages, 7 to 9 cents per square foot from 1982 through 1991, have bottomed out at about 4 or 5 cents because of the recession.

That rate translates into about \$300 per 40-hour week—or \$7.50 an hour—about half of what they were making five years ago when

construction jobs were easier to find, according to interviews with the workers.

Nieto was among 200 men who waited in a carpenters union hall in Orange one recent day, hoping to hear an encouraging word three months into the strike.

Like many other strikers, Nieto said he has no intention of signing up for welfare or unemployment compensation. He wants to work, and drywalling is his family's business. He had expected to do it until the day his back gave out, and he trained his sons when they were teen-agers. Now the three of them are still side by side—not on the

construction line.

Nieto's son hung drywall joined the strike watching police taking the strikers to the site.

"I thought I was going to work while this was a just strike," he said. "One day we are going to see violence, violence."

Times staff
and David Rey
report.

**DRYWALLERS RALLY
for higher wages**
1-24-92 San Diego
Between 250 and 300 drywallers and supporters demonstrated for higher wages and better working conditions yesterday during a rally and march that began at Pantoja Park in downtown San Diego.
The group marched down Broadway to police headquarters, where Tony Hernandez, the local leader of the Justice for Drywallers organization in San Diego, spoke. The gathering then returned to the park.
A police spokesman said no disturbances were reported.
Drywallers in San Diego have been attempting to join the Carpenters Union, as drywallers have in Orange and Los Angeles counties.

PROTEST: Drywall Workers

Continued from B1

striking workers were arrested by sheriff's deputies after entering a construction site and allegedly forcing six non-striking construction workers to leave.

About 25 of those arrested picketers were deported to Mexico after they were turned over to the Immigration and Naturalization Service and found to be illegal immigrants.

Undaunted, about 100 of the other striking workers have pressed their protest campaign by refusing to plea bargain or to waive their rights to a speedy trial. They have demanded to go to trial, creating a scheduling nightmare in the Orange County courts.

Hernandez, who has also been involved in the Orange County dispute, said the workers are frequently victimized by unscrupulous contractors who exploit the fact that many of the workers are

immigrants.

Drywall workers in San Diego County have been working without a union contract for the past 10 years, Hernandez said, and earn less today than they did in 1979. He said most workers put in about 60 hours a week at job sites, but the average wage is only \$300 per week.

Thursday's arrests occurred about 1:30 p.m. during a protest that San Diego County sheriff's deputies described as occasionally loud but peaceful.

Dozens of fellow picketers demanded to be arrested in a show of solidarity with the nine arrested men, but they dispersed after discussions with deputies and organizers of the protest, deputies said.

A Sheriff's Department spokesman said deputies recognize the right to free speech and to protest, but that trespassing will not be tolerated.

Nine Drywall Workers Held as Trespassers

□ **Labor:** Protest spreads into county as craftsmen, many of them immigrants from Mexico, say they are exploited.

By H.G. REZA

and SEBASTIAN ROTELLA
TIMES STAFF WRITERS

7-17-92

A labor dispute involving drywall workers that began in Orange County two weeks ago spilled into San Diego County on Thursday when nine workers were arrested as trespassers in a protest at a construction site.

The men, all from the San Diego area, were among close to 100 unemployed drywall workers who picketed at a condominium construction site in Rancho San Diego, near Fury Lane and Jamacha Road, authorities said.

The nine workers were charged with trespassing by sheriff's deputies and were taken to jail, deputies said. They were being held in lieu of \$250 bail each, according to drywall worker spokesman Antonio Hernandez.

The protest Thursday showed the expanding strength of a grass-roots movement by a close-knit group of drywall workers that began July 2 in Orange County, where several generations of the workers have migrated from villages in the Mexican states of Guanajuato, Jalisco and Michoacan.

The striking workers are demanding better pay and union representation. They say that wages and working conditions have worsened dramatically in the construction industry since contractors broke up drywall unions 10 years ago, replacing union employees with lower-paid, recently arrived Mexican immigrants.

"There have been many times when the contractors just don't bother to pay us after the job is done," Hernandez said. "We've filed numerous complaints, but it takes as long as six years for complaints to be heard."

In Orange County, the labor dispute gained widespread attention when 153

Striking Drywallers Clash With Workers on Freeway

By JODI WILGOREN
TIMES STAFF WRITER

8-1-92

ANAHEIM—Striking drywallers threw rocks at replacement workers on a freeway early Friday morning, the latest incident in a 2-month-old battle to form a union that has crippled the Southern California building industry.

Authorities said one man was arrested during the morning incident and another suffered minor head injuries.

Police believe that the freeway attack was planned as part of the drywallers' wildcat strike, which began June 1 and has led to demonstrations at construction sites from Ventura County to the Mexican border.

The striking drywallers denied that they were chasing the other workers or that they threw objects at them. They said they were on their way to President Bush's speech in Riverside when they saw the workers at a weigh station and stopped to talk with them about unionizing.

According to California Highway Patrol Officer Mike Lundquist, about 30 employees of the San Dimas-based Gateway Drywall Co. were eastbound in a long-bed truck on the Riverside Freeway just after 6:30 a.m. when four or five pickup trucks filled with striking workers pulled up alongside them and began throwing rocks and bottles.

Gateway supervisor Wayne Ed- dy, who was driving behind his workers, told police that his employees pulled off at a weigh station near Weir Canyon Road to escape the attack. But the strikers' vehicles pulled over to the shoulder, and about 150 men were facing off on the side of the freeway, Lundquist said.

About 30 law enforcement officers, including police from Anaheim and Brea, sheriff's deputies and CHP, quickly ended the confrontation, sending the strikers back to their trucks.

Lundquist said traffic was backed up about 1½ miles and

slowed the eastbound lanes for more than two hours.

Police charged Gabriel Acosta, 36, a striker from Paramount, with failing to obey authorities and for loitering on the freeway, Lundquist said. One truck with about 17 strikers was detained for an hour, but no arrests were made, Anaheim Sgt. Richard Buchholz said.

Spokesmen for the strikers accused the replacement workers of instigating the violence.

"They saw all these people in these trucks, they thought they could talk to them about joining the strike," said Roy Navarro, who later Friday spoke at a union hall in Orange where the drywallers have been meeting. "We don't want to see them [replacement workers] on the freeway. We'd rather see them staying home."

The strikers include about a quarter of Southern California's 4,000 drywallers. The group is trying to form a union, but area drywall companies oppose the effort, fearing that housing developers would turn to cheaper, non-union labor and drive union subcontractors out of business. The drywallers, who have complained about not receiving a raise in a decade, say their pay averages about \$300 a week.

Sixty-eight drywallers were arrested a week ago when a demonstration spilled over onto the Hollywood Freeway. Earlier this month, 149 drywallers were charged with trespassing and conspiring to kidnap workers at a Mission Viejo construction site. Officials identified many of those arrested in Orange County as illegal immigrants and deported about two dozen workers to Mexico.

Several hours after Friday's freeway altercation, Anaheim police returned to the area, chasing strikers away from a housing tract under construction in Anaheim Hills.

Times staff writer Michael Flagg contributed to this story.

Fireworks in the construction industry: the drywallers strike

by Fran Shor

As many Americans prepared for the holiday celebrations and vacation break of the July 4th weekend, over 150 Mexican and Mexican-American drywall workers staged a dramatic protest at a Mission Viejo construction site. Employing the roving picket tactics that they had spread throughout Southern California during their month-long strike, this group of Orange County drywall workers pulled six non-striking workers off the job site. After a tense standoff with scores of Orange County

sheriff's deputies, the whole group was placed under arrest and charged with conspiracy to kidnap, a major felony. Taken off to the Federal Detention Center in Santa Ana, the 150 plus drywall workers would spend America's Independence Day in jail, prisoners in a labor struggle that pitted predominantly Mexican and Mexican-American workers against the anti-union and exploitative practices of the construction industry in Southern California.

see Drywallers, page 100

Drywallers

continued from page 1

Like most of the major labor confrontations of the last decade, this struggle had its roots in the economic recession and political repression of the early 1980's. Up until the early 1980's, drywall workers were unionized and represented by the Carpenters Union. But with a downturn in the housing market, the ascendancy of Reagan union-busting, and an influx of undocumented workers, drywall subcontractors in Southern California saw their opportunity to dispose of the union. Predictably, wages were driven down and shoddy hiring practices, employing unscrupulous go-betweens known as "labor barons," were employed, transforming the industry from a unionized sector where only one in four was Mexican to a non-unionized one where nine out of ten are Mexican.

With wages dropping from \$600 to \$300 for a 60-hour week and no benefits or protections guaranteed through union representation,

pounds onto the skeleton structures of dwellings, drywall workers face difficult tasks compensated by piece-work rates. Before the strike, piece rates were down to 4 cents per square foot with no benefits and no job guarantees. In a desperate attempt to stop further erosion in their meager wages and in the hopes of gaining some job security, drywall workers organized a work stoppage beginning June 1, 1992.

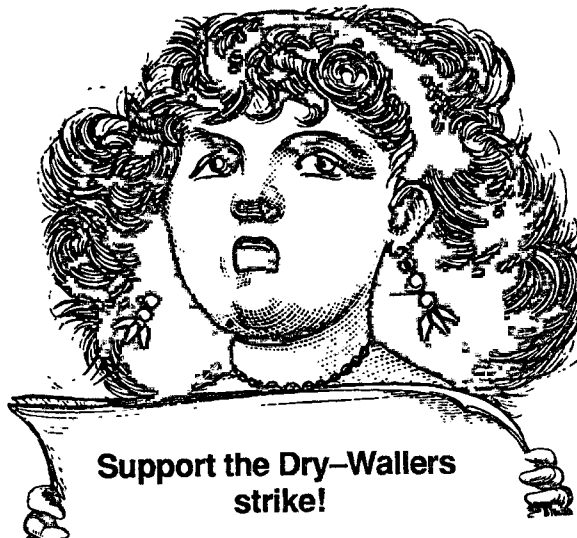
According to the July 2 edition of the Bureau of National Affairs Daily Labor Report: "The strike has gathered momentum, with an estimated 6,000 to 8,000 drywallers supporting the movement...Even contractors say that the strike has crippled between 85 percent and 90 percent of homebuilding in Southern California." While some individual contractors will also admit privately that drywall workers' complaints about wage rates are legitimate, contractors and developers have organized to break the strike through a range of legal and extra-legal tactics. These tactics include pressuring the INS to investigate the documented status of workers and deporting those

doubtful whether contractors can lure enough drywallers back to work with promises of higher wages, they may be able to find new replacement workers through national advertising.

On the other hand, the Mexican American drywallers, with their chants of "Si, se puede!" (Yes, it can be done!), are determined to gain union recognition. Just recently, in recognition of their determination the AFL-CIO regional director for Southern California, David Siskel sent out a memo encouraging local unions and labor councils to lend support to the drywall strikers. While they have received some help from union locals, like Carpenter Local 1506 which has turned over one of their facilities (on Mercury Street in Kearny Mesa) for meeting and the collection of food and clothing for the families of striking workers, the drywall workers are relying on their own committee solidarity, and the aid of Latino immigrant organizations and Anglo supporters to help in their struggle. In the aftermath of the mass arrest of July 2, Tony Hernandez was quoted in the *San Diego Union-Tribune*, as saying: "We are going to fight until this is resolved."

The resolution is still not in sight, although a few small contractors have signed on. Arrests are continuing at construction sites, with charges of trespassing and even theft being lodged against the drywall strikers. However, in a number of those cases, pressure from Latino organizations such as Hermandad Mexicana Nacional and California Immigrant Workers Association, as well as progressive members of the legal community, has resulted in the cases being dismissed. While felony charges in the July 2 arrest have been dropped against at least half of those arrested, still others have been deported or face the prospects of heavy jail time and/or fines.

There are several ways that readers of the *San Diego Review* can show solidarity with this unprecedented labor struggle. Donations of food and clothing are still being accepted at the Mercury street office in Kearny Mesa (call 495-7023 for directions and information). Financial support can be made out to "Dry Wallers Strike Fund" and mailed to the AFL-CIO Region VI Office, 611 Shatto Place, Suite #400, Los Angeles, CA 90005. Finally, a major rally to support the drywall strikers and to combat police and INS harassment will be held on August 8 at noon in Chicano Park in Logan Heights. In attending this rally we can add our voices to the determined chant of the drywallers.



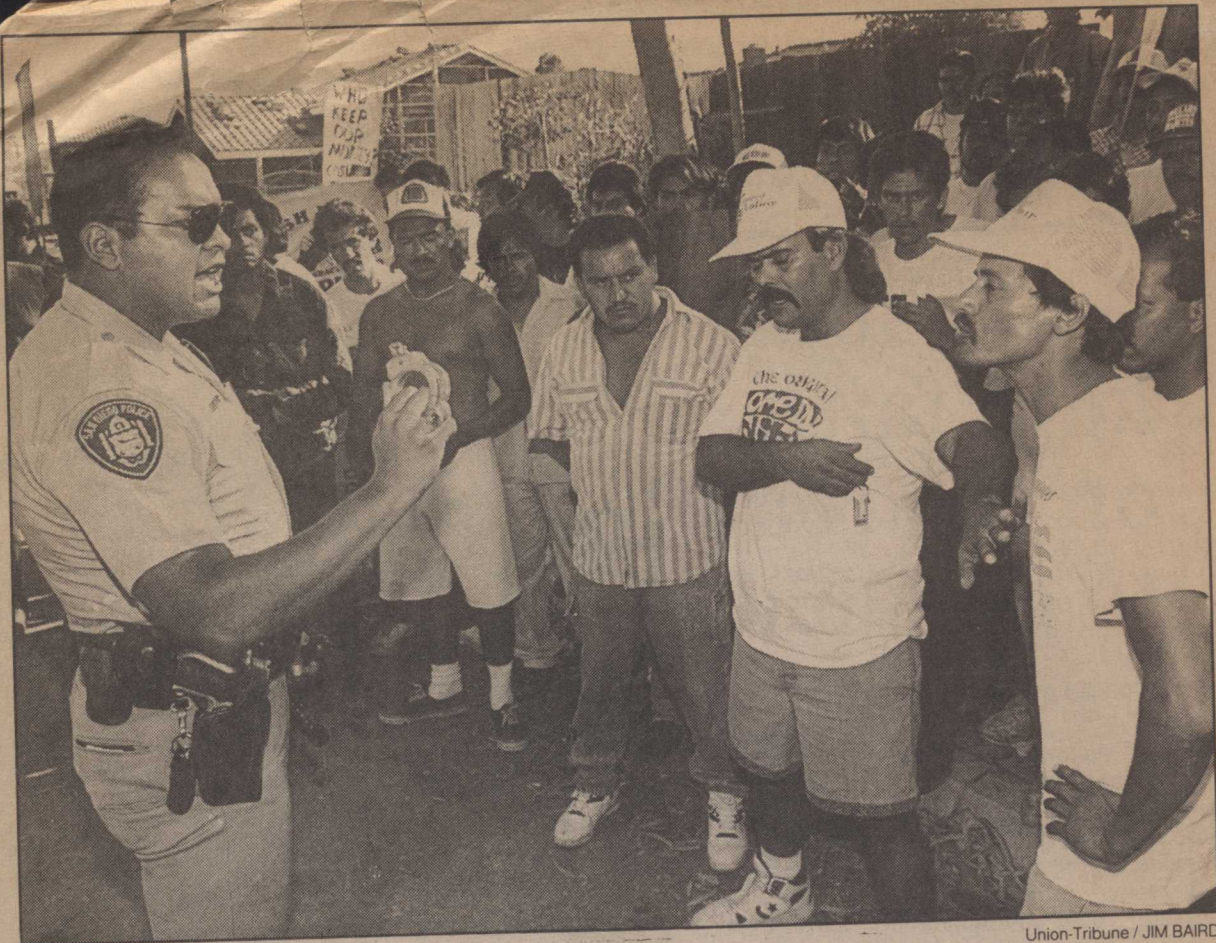
drywall workers found themselves on the edge of a underground economy where cheating and arbitrary firings were rampant. One of the founders of the Mexican drywall workers movement, Jesus Gomez, initiated some collective action after being cheated out of \$60 by one of the labor barons. Gomez not only shared a common outrage, but a common heritage with many other drywall workers in Southern California who left small depressed villages in the Mexican state of Guanajuato over the past several decades to work in the construction industry.

Finding employment as drywall workers in the construction industry in southern California meant that these new immigrants would face one of the most grueling jobs in the industry. Lifting slabs of paper and

lacking proper documentation, the filing of unfair labor practices, especially against local chapters of the Carpenters Union, and the hiring of replacement workers and security thugs to break the strike outright.

The contractors will not yield to the demands for a union contract. Although it looked like the two sides were moving closer together on a new wage agreement, the talks broke down over the question of a contract. One of the San Diego county strike organizers, Tony Hernandez explained that the raising of piece rates was based on "good faith" with a return to work minus a "contract or anything." One of the members of the San Diego Drywall Contractors Association, Joseph Sayatovich, claims that drywallers are saying "they want to come back to work, but

file it's



Union-Tribune / JIM BAIRD

Demonstration: San Diego police Officer R. Vasquez talks with protesters in Rancho Peñasquitos yesterday.

Drywall workers, supervisor arrested after altercation

By FRANK KLIMKO
and DWIGHT DANIELS
Staff Writers

Four striking drywall workers and a construction supervisor were arrested at a Rancho Peñasquitos construction site yesterday afternoon after about 150 drywall hangers climbed over a fence and confronted the armed supervisor, who fired one shot into the ground.

The arrest of the four workers triggered a picket demonstration by striking drywall hangers around the police station in Rancho Peñasquitos.

There were no injuries in the job-site incident, no other shots were fired and police arrived promptly to break up the confrontation.

Officers arrested the supervisor, identified as Robert Connelly, 35, of Chula Vista on suspicion of brandishing a deadly weapon.

Protesters arrested were Arturo Diaz, 23, of National City, for assault with a deadly weapon; Luciano G. Salazar, 35, of Oceanside, for battery; Brian A. Burkett, 27, of Mission Valley, for vandalism; and Jose Antonio Estrada, 23, of Rancho Penasquitos, for battery.

All five were taken for processing to the police Northeast Division Station on Salmon River Road near Rancho Peñasquitos Boulevard. A group of the protesters followed officers to the station and commenced a sympathy

demonstration for the four workers in custody.

The drywall workers, demonstrating for union representation, picketed earlier yesterday in Mission Valley and Lemon Grove.

More than 200 workers marched for an hour at the Palazzo Condominium project in the 600 block of Camino de la Reina near Hotel Circle Place in Mission Valley, causing a traffic backup from about noon to 2 p.m. A minor altercation erupted when demonstrators were sprayed with a water hose by a construction company employee, police said. Construction officials, who did not give their names, said the demonstrators had walked onto the job site and caused minor vandalism before the water-spraying incident. A representative of the protesters denied that. San Diego police said no arrests were made.

Earlier in the day, dozens of striking drywall hangers and their sympathizers stormed a Lemon Grove construction site and kicked large holes in the interior walls of one partially built house, construction officials there said. No one was arrested or hurt during the incident, which occurred about 10 a.m. at a 13-home subdivision under construction on Sweetwater Road near Broadway.

The strikers knocked 16 holes in the interior drywall of the four-bedroom house, causing about \$500 in damage, said Jay Houston, president of J&S Builders Inc. of Santee, which is building the project.

Drywall Boss Says He Was Held Captive

From Associated Press

and builders who hire the workers. Iturbe is not a union member.

Iturbe claimed he and his family were threatened, and that he was ordered to skip work and stay home, police said. The workers posted sentries outside the apartment and did not allow him to leave, Iturbe told police.

He said he escaped on Aug. 9, when he slipped out a back window, met his wife and telephoned police. Iturbe was able to identify several suspects and police said they are searching for the men.

A drywall supervisor told San Diego police he was held captive inside his apartment by a group of discontented drywall workers for at least two days until he was able to escape out a back window.

Carlos Iturbe, 48, alleged that he was leaving for work on Aug. 7 when he was stopped outside his apartment and threatened by about eight angry workers, police said.

There has been an ongoing dispute between drywall workers who want union representation

LA 7.8-20-92

EMBER 19, 1992 /SD



TOM KECK / For the Times

Police form a line this week between construction project and protesting drywallers on Carmel Creek Road.

DRYWALL: Contractors Face Lawsuit

Continued from B1

D.J. Drywall, J. Sayatovich Drywall Interiors and Great Western Drywall will not be pulled, Cantore said.

"They will be joined by an additional 21 contractors as defendants next week," he said.

The 24 local contractors, which he said control about 99% of the market in San Diego County, refused to sign the agreement. Cantore said about 200 drywallers are still on strike in the county.

The 5-month-old strike ended in other parts of Southern California when 41 drywall contractors in Orange, Los Angeles, Riverside, San Bernardino and Ventura counties initialed the agreement last week, Cantore said.

Steve called the new contract "weak and bad for the workers."

"The contract contains an agreement that allows contractors to reduce workers' wages if they lose a certain percentage of the market. . . . This contract is just a tempo-

rary fix. The workers are going to end up getting the bad end of the deal," he said.

However, Antonio Hernandez, spokesman for striking drywallers in San Diego County, said the new contract "is a great victory for the workers."

"The bottom line is that our people will now be able to go back to work with dignity and decent wages. Eventually, we will also triumph here in San Diego. It's just a matter of time," Hernandez said.

Drywall supervisor says he was captive

MOUNTAIN VIEW — A

drywall supervisor told police he was held captive inside his apartment by a group of discontented drywallers for two days until he was able to escape out a back window.

The alleged incident took place the weekend of Aug. 8-9, but was only reported to police last week and made public yesterday.

The supervisor was leaving for work on Aug. 7 when he was stopped outside his apartment on National Avenue near 36th Street and was threatened by a group of about eight angry drywallers, police said. The supervisor is not a union member. There is an ongoing dispute between drywall workers who want union representation and developers who hire the drywallers.

The supervisor was threatened, as was his family, and he was ordered to skip work and stay inside his apartment, police said they were told. The workers posted sentries outside the apartment and did not allow him to leave, he told police. On Aug. 9, he slipped out a back window, met up with his wife and telephoned police.

The supervisor was able to identify several suspects and police are now searching for the men.



Orange County sheriff's deputies frisk protesting workers during mass arrest.

San Diego County Digest

8-12-92



TOM KECK / For The Times

Labor protest—As police watch, left, drywall installers picket a construction site Tuesday in Mission Valley. Some windows were broken at this site, but there were no arrests. At another site, a

construction supervisor and four protesters were arrested following a confrontation. Drywall installers have staged a series of protests in the county to protest pay cuts and the use of non-union labor.

Drywall Strike Exposes Industry to U.S. Scrutin

By MICHAEL FLAGG
TIMES STAFF WRITER

7-4-92

A two-month walkout by workers in the drywall business has yet to win them the union they are demanding. But it has prompted several federal agencies to investigate the industry and may change the way drywall companies do business.

Allegations piling up against the industry paint an unsavory picture of a business that exploits Latinos—many of them illegal immigrants—by paying low wages with no overtime, health insurance or other benefits.

The latest agency to jump into the fray is the federal Department of Labor, which will investigate allegations that the companies don't pay overtime, a violation of federal law.

The U.S. Immigration and Naturalization Service is already investigating as many as 10 companies that it says may have broken the law by knowingly hiring illegal immigrants.

The number of accusations is unusual even for the construction industry, long considered a business where corners routinely get cut. No matter what the outcome of the strike, the federal investigations could give a black eye not only to the drywall subcontractors but also to the home builders who hire them.

Even the companies' own trade association, the Pacific Rim Drywall Assn., says that it is urging members to turn in companies that may be violating state and federal tax laws by paying workers in cash only. So far, none has.

"Everybody has suspected one or two guys of doing it," said Bob Sato, a Newbury Park drywall

subcontractor and president of the trade group, which includes most of the bigger drywall companies in Southern California. "We're a company consistently underbid you by a wide margin—as much as 35%—there may be something wrong there."

The state Employment Development Department launched an investigation of cash payments in the industry in 1989. The results were meager, one official said, because few drywall companies cooperated.

That the companies are talking about turning each other in now is ironic, said a former drywall subcontractor who says he left the business because of the corruption. "Where were they when times were good?" he asked.

The investigations are not likely to be finished in time to either help or hurt the drywall worker who walked off the job June 1. Many of them are desperate after having been out of work for two months, and some have gone back to their jobs.

The building industry contends that the strike is running out of steam, that drywall is being nailed onto the wooden frames of houses faster now than early in the strike.

For the 4,000 or so Southern California drywall workers, most of them immigrants from small towns in central Mexico, wages haven't risen since the home builders broke the union 10 years ago. In the past two years, as the housing market has gone down the tubes, wages have sunk as low as \$300 a week.

The strikers have slowed down new-home construction in San Diego, Orange, San Bernardino and Riverside counties. Drywall subcontractors in Los Angeles and Ventura counties say they are less affected.

Drywallers' Medical Plan

Continued from Page 1B

early 1980s and agreeing to do drywall work for less than the going rate. This in effect brought the rates down for all the drywallers because of competition. Prior to the early 1980s, drywallers were unionized under the carpenters' and painters' organizations.

Both Winterton and Pacheco said many of these workers were victimized by labor barons who gave them a minimum of skills and may have robbed them blind.

Participating firms (most of the drywallers in the county are ABC members) will begin paying into a medical benefits fund pool beginning Oct. 1. These benefits are expected to be made available to the drywallers by Jan. 1.

The dollar amount that each ABC-affiliated drywall contractor will contribute to the pool is still being negotiated, but there have been some indications. Drywall contractor John Ghianni said the plan could be based on "10 percent of every labor dollar we spend."

Ghianni said it is about time drywallers had a medical plan on which they could depend.

"I as a worker wouldn't want to go to work without a health package," Ghianni said.

Winterton said with the provision of medical benefits and the new wages, the drywall protesters should be satisfied. That may not be the case, however. Joe Allen, who represents a group called Justice For Drywallers, said the group's first demand is to be recognized as a union.

"Unless the union is recognized, there is no way to guarantee wages and benefits," Allen said.

view it could not operate as efficiently as an ABC-administered program.

Winterton said while he understands the protesters' frustration, it does not justify the violence and property damage that have been reported around the county for the past several weeks.

Hernandez claims his picketers only became violent when they were threatened themselves and that if any property was being damaged, it was done by drywall workers on the sites so the protesters would be discredited. The workers on these sites have called these claims absurd and say they have been the ones threatened.

"They have circled around our building and held our crews hostage until 8 o'clock at night," said Charles Hill of Great Western Drywall.

Drywall contractor Joe Sayatovich (who also is a manager for boxer Terry Norris when not working in the drywall business) said he doesn't believe the protesters will be satisfied with the medical plan, but also believes the protests will die down with time.

While agreeing that the health plan is a good idea, Sayatovich said the drywall protesters shouldn't have much to complain about.

"If a guy was making \$5 a day in Mexico and comes up here and is making \$100 a day, he doesn't have much of a reason to gripe," he said.

Sayatovich was ridiculed by the drywall protesters yesterday, who made repeated references to his management of Norris. Sayatovich laughed when asked about that other profession.

"I've got to make a living some-

But Workers Want A Union

Compromises In Drywall War Include Raise, Medical Plan

By THOR KAMBA BIBERMAN

San Diego Daily Transcript Staff Writer

The San Diego Chapter of the Associated Builders & Contractors is in the process of helping formulate a medical benefits plan designed to aid the estimated 800 to 900 residential drywallers and tapers now working in the county. It may not be enough to stop the protesters, however.

Yesterday morning, while about 100 protesters were picketing the ABC's 30th Street offices (which picketers referred to as the "central hiring hall for scabs"), ABC executive vice president Robert Winterton was telling the *Transcript* about the medical plan that may help defuse what has been a very tense situation for the past two months.

There have been reports from both sides in the dispute of vandalism, property damage and violence from Chula Vista to Poway and numerous arrests have been made during the past few weeks.

The protesters appear to have won the fight for higher wages. The base rate per board-foot (which reportedly had been as low as 4½ cents) has been raised to 6½ cents.

Winterton said the base rate is to climb to 7 cents per foot on Oct. 1. A highly experienced drywall worker can make between \$800 and \$1,000 per week on big jobs, he said.

The issues go far beyond wages, however.

Protest leader Tony Hernandez (who was recovering from wrist surgery yesterday) has repeatedly told the *Transcript* that the big issue was the benefits. He said that in effect, it wouldn't matter how much the drywallers made if a big medical bill could financially wipe them out.

Winterton was quick to agree that with drywallers going from job to job and employer to employer, it has been all but impossible for them to stay in one place long enough to receive the needed benefits, even if they were offered.

"Yes," Winterton admitted, "there is no question they did have a legitimate reason to protest, and they are going to be getting what they deserve."

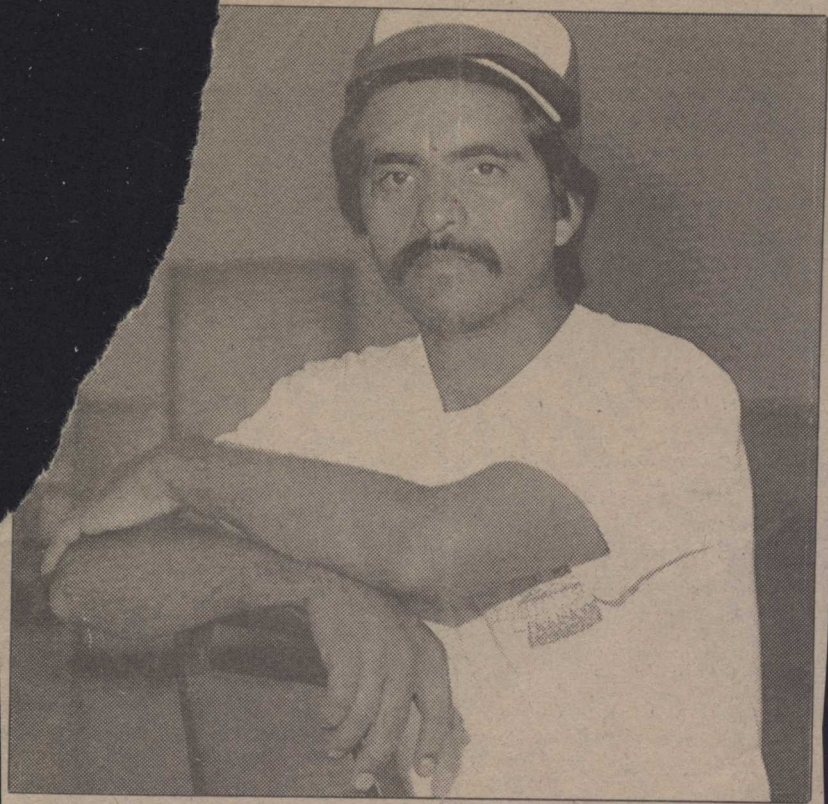
As far as the charge that the ABC office is a "central hiring hall for scabs," Winterton responded that "I like the word 'scab.' It's the sign a festering wound is healing."

The wounds may have not been healing quickly yesterday as the word "Ratas" (rats) was scribbled with a red marker on a window of the building during the interview.

Ed Pacheco, a drywall worker who works as a safety consultant for the ABC, said the low wages were the result of unskilled workers coming across the border beginning in the

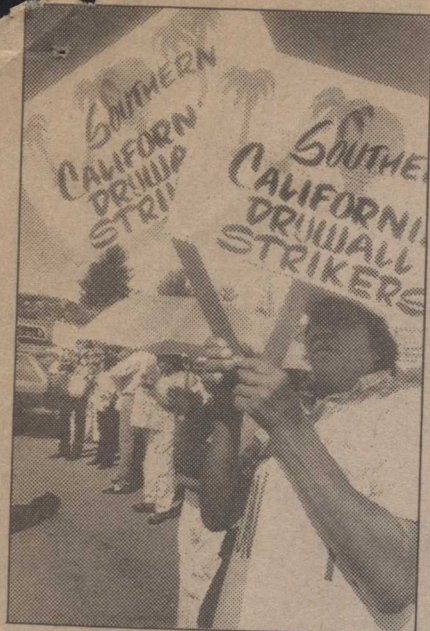
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ticket a Fullerton hotel construction site seeking a c



GLENN KOENIG / Los Angeles Times

Jesus Gomez says he started walkout after labor broker cheated him.



Striking drywallers hold up signs during rally to protest the use of non-union labor at the construction site of St. Michael's Church in Poway. Father Victor Salandini, right, celebrates Mass in a field next to the church while dressed in a rough-hewn vestment adorned with the black eagle of the UFW.



Photos by DON BOOMER / Los Angeles Times

Priest Leads Drywaller Protest at Church

■ **Labor:** Father Victor Salandini opposes Bishop Robert Brom's hiring of a non-union contractor to build a new church in Poway.

By H.G. REZA
TIMES STAFF WRITER

Striking drywallers, led by an activist priest, demonstrated against San Diego Bishop Robert Brom on Sunday and picketed at a Poway church that protesters said is being constructed with non-union labor.

The unique protest pitted Father Victor Salandini against Brom, leader of the county's Catholic community and Salandini's superior. Salandini, who also is known as "The Tortilla Priest," has ministered to the United Farm Workers in the past and is now working with striking drywallers.

About 300 drywall workers, most of them Latino, are on strike in the county to protest contractors' refusal to hire union workers. The workers joined a strike by hundreds of other drywallers that began in Orange County in July and spread throughout Southern California.

Sunday's picketing also was organized to protest Brom's decision to award a contract for the construction of St. Michael's Church in Poway to Menefee-Larsen Construction Co., which Salandini said pays drywallers substandard wages of about \$5 an hour. The multimillion-dollar church, which is being built on Pomerado Road, will have a seating capacity of

almost 1,000 when it is completed.

Brom could not be reached for comment Sunday, but Salandini said the bishop's policy is to hire non-union contractors because union contractors "are too expensive, and the diocese's money must be spent wisely."

Menefee-Larsen's offices were closed Sunday, and company officials were not available for comment.

On Sunday, Salandini celebrated Mass from the back of a flatbed pickup truck for about 75 workers and their families in a field adjacent to St. Michael's. "The bishop cannot practice unbridled capitalism," Salandini told the impromptu congregation.

He celebrated Mass dressed in a rough-hewn vestment adorned with the black eagle of the UFW. The red cloth draped over the altar also was adorned with the UFW eagle.

Members of the mostly white, middle-class parish, who were attending Mass inside a temporary church, looked at the predominantly Latino group of protesters with apparent indifference as they left.

The Mass celebrated by Salandini featured labor songs sung in Spanish and speeches by several workers, whose political remarks were substituted for the traditional homily.

Salandini and the speakers made it clear that the protest was against Brom and Menefee-Larsen and not against the Catholic Church.

"We are protesting against the bishop and a non-union contractor," said Antonio Hernandez, spokesman for the

Please see PROTEST, B10

PROTEST

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strikers.

After the protest Mass, the strikers and their families picketed in front of the church on Pomerado Road, shouting "We want a union!"

Fran Willenbrink, a St. Michael's parishioner who said he is a project manager for the new church, said he empathized with the strikers but said there was little that the bishop or the church could do.

"We have no control over who Menefee-Larsen hires. We can understand their feelings, but really they should be talking to the general contractor," Willenbrink said.

He agreed with the strikers, who say that, because many of them are Mexican immigrants, they are often exploited by some unscrupulous contractors, who work them for weeks at a time without paying them.

"The economic situation is such that some contractors will do anything to make an extra dollar. Some don't care how they treat workers," Willenbrink said.

Striking workers are demanding better pay and union representation. They say that wages and working conditions have worsened dramatically in the construction industry since contractors broke up drywall unions 10 years ago, replacing union employees with lower-paid, recently arrived Mexican immigrants.



Striking drywallers are angry that non-union workers are building St. Michael's Church in Poway.

DON BOOMER / Los Angeles Times

Drywallers' Medical Plan

Continued from Page 1B

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"Unless the union is recognized, there is no way to guarantee wages and benefits," Allen said.

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view it could not operate as efficiently as an ABC-administered program.

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Sayatovich was ridiculed by the drywall protesters yesterday, who made repeated references to his management of Norris. Sayatovich laughed when asked about that other profession.

"I've got to make a living somehow," he quipped. "You really don't think I could make it in the drywall business, do you?"

But Workers Want A Union

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By THOR KAMBAN BIBERMAN
San Diego Daily Transcript Staff Writer

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Please turn to Page 3B

Drywall Contractors in S.D. Face Lawsuit

■ **Labor:** L.A. attorney schedules trip in attempt to force compliance with contract governing the rest of Southern California.

By H.G. REZA
TIMES STAFF WRITER

A Los Angeles attorney representing striking drywallers said Wednesday that he will travel to San Diego next week to sue local drywall contractors to force them to accept a labor agreement reached last week between workers and contractors throughout Southern California except San Diego County.

Mark Steve, president of El Cajon-based High Performance Drywall Inc., promised that the 24-member San Diego Drywall Contractors' Assn. will fight labor attorney Robert Cantore's "threat to shove a union down our throats."

"You can tell Cantore to go ahead and bring his . . . down here," said a defiant Steve. "The association will spend every

cent we've got to fight them. They can't come down here and force a union down our throats or force us into a labor agreement. They're going to have a long battle here."

Cantore said he is up to the challenge.

"I hope there are a couple of companies out there who think I'm bluffing. I hope to nail some of these companies and take away the guys' cars, homes and anything they may have. They won't have to wait long. I'll be down there next week, filing lawsuits in federal court," Cantore said.

The bitter exchange is the latest turn in an acrimonious labor dispute that began last June, when about 4,000 drywallers walked off their jobs throughout Southern California to protest low wages and lack of health benefits.

When the new labor agreement was reached last week—the first between dry-

wallers and contractors in 10 years—the number of strikers had dwindled to about 1,500, said Cantore. Most strikers had found jobs in other industries during the strike, he added.

According to Cantore, the new contract provides for wages between \$300 and \$500 for a 40-hour work week. In addition, the workers will be covered by health insurance funded equally by both employee and employer.

Before the strike, drywallers were working as many as 70 hours a week, including Saturday and Sunday, for the same wages and with no overtime pay, said Cantore.

During the strike, Cantore sued 18 drywall contractors, including three in San Diego County, accusing them of violating federal labor laws and failing to pay workers for overtime. Cantore said he will go to U.S. District Court in Orange and Los Angeles counties Monday to dismiss the lawsuits against 15 of the companies.

The lawsuits against local contractors. Please see **DRYWALL, B2**

A34 FRIDAY, SEPTEMBER 25, 1992 /SD

Subcontractors Agree to Negotiate With Drywallers

By MICHAEL FLAGG
TIMES STAFF WRITER

COSTA MESA—After a summer of picketing, vandalism and lawsuits, drywall workers won a major victory Thursday when some of Southern California's largest drywall subcontractors agreed to negotiate with a union to settle the 4-month-old strike.

The subcontractors, who met Thursday, issued a one-sentence statement saying "a number" of them had agreed to talk to the carpenters union about representing 4,000 drywall workers in Southern California.

Union officials say the drywall workers' organizing drive is the biggest in the nation. It is also among the most unusual in Southern California: The drywallers, most of them immigrants from rural Mexico, organized the strike themselves. Many of the leaders are from a single village in central Mexico—El Maguey—and are related, which accounts for much of their solidarity.

The strikers were jubilant Thursday, though both sides say there are many obstacles to a quick settlement.

"This is at least a little something, a beginning," said Jesus

Gomez, spokesman for the strikers. "It lifts my spirits."

The workers want their first raise in 10 years and benefits such as health insurance.

The strikers surprised the subcontractors—and some of their own members—by holding out through the summer. Donations of food and money from supporters, activist groups and unions kept alive the strike that began June 1.

Then in August, the workers began employing an effective new tactic: accusing their employers of not paying overtime and suing them in federal court for hundreds of thousands of dollars in back wages. Fear of huge legal fees and the possibility that they might have to open their books finally drove the subcontractors to negotiate, people on both sides say.

It was clear from the subcontractors' statement Thursday afternoon that not all of them want to recognize a union, although one subcontractor said a "significant number" favor at least talking to the union about settling the strike.

The trade group that held the meeting, the Pacific Rim Drywall Assn., represents two dozen of the largest drywall subcontractors in Southern California.

Striking drywall workers shift tactics, do their picketing at newly built homes

By LEONEL SANCHEZ
Staff Writer

After several months of picketing unfinished housing developments, striking drywall workers are now demonstrating in front of newly built homes to try to scare off potential buyers.

"We were not able to stop the scabs from working . . . so now we want to stop the sales of the houses," said local strike leader Tony Hernandez.

Trying to affect the profits of developers is the latest tactic being used by the drywallers, who continue a nine-month-old walkout in San Diego County to protest low wages and lack of health benefits.

Since the strike began, the drywallers have been offered better wages and benefits by their companies, but the strikers are holding out to be able to form a union — something their bosses are adamantly against.

Developers are being targeted now, Hernandez said, because the protests aimed solely at the drywall

companies haven't worked.

In addition to the pickets, the strikers are passing out fliers that call the quality of the new houses shoddy because inexperienced replacement workers were involved in the construction.

The union deploys small groups of people to stand across the street from new model homes to picket and hand out the fliers, Hernandez said.

"Buy a used home," one flier read. "At least you know what you're getting."

Striking workers are also warning potential buyers that if they go through with a sale, they will risk having a lien placed on their new homes because of liability in strike-related lawsuits.

Spokesmen for local building and drywall associations are upset by the drywallers' new tactic, saying that they are passing out misleading information.

"I think it's disgusting," said Bob Winterton, executive vice president of the Associated Builders and Contractors, which represents the local drywall companies.

Winterton said the homes where the leafleting is taking place — in various places around the county — were all built with experienced drywall workers. They had originally participated in the current strike, but returned to work when they were offered higher pay and health benefits if they dropped their unionizing efforts.

"The work on these houses was all done by former strikers," Winterton said. "I don't know who these people on strike are now. But they are using whatever methods they can to disrupt the free enterprise system."

Ed Struiksma, a private consultant who is monitoring the strike for the Building Industry Association, said it is untrue that home buyers are risking their invest-

ments if they buy in the strike-targeted developments. He said insurance protects buyers from such matters.

Struiksma, a former City Council member turned private consultant, said there's no indication that buyers are being scared off by the strikers.

"Most people who are out buying are aware of the fact that there is a labor dispute that has been going on now for nine months," he said.

The strikers said they are changing their strategy because they were not able to keep replacement workers from taking their jobs. Police and private security guards had been escorting replacements to job sites.

Also, the movement had been losing some momentum of late. Only about 200 of the original 500 drywall workers in the county remain on strike.

Funding has also been drying up, and several strikers have moved to Florida and Hawaii to find work rebuilding homes destroyed in the hurricane disasters last year, Hernandez said.

Also, with scarce funding available, the strike could not afford to deploy large numbers of people to picketing and risk getting them arrested or fined, Hernandez said.

More than 200 strikers have been arrested for trespassing, assault and theft since the June 1 walkout. A few have been deported.

Hernandez said none of the strikers has been arrested since leafletting activity began three weeks ago.

While several drywall companies across Southern California signed a union contract with strikers last November, none of the companies is based in San Diego County, strike leaders said.

LABOR / HARRY BERNSTEIN

The Drywallers—an Ironic Tale

Even President Bush admits that our free enterprise system isn't functioning very well in this miserable recession, but a look at one microcosm of the Southern California economy shows how ridiculously maladjusted it is.

It's easy to understand the basic element of this relatively tiny example that centers on an unprecedented and costly four-month strike by more than 3,000 frustrated, mostly Latino immigrant construction workers in six Southern California counties.

The workers, "drywallers" who cut and nail up 100-pound sheets of plasterboard on the inside walls of new and remodeled houses, were once fairly well-paid. They are striking in an attempt to restore at least some of the 50% cut in wages and health benefits they have lost over the last 10 years. The drywall contractors say business is so lousy that they cannot possibly meet the workers' demands.

The pressure of the strike forced 28 of the contractors, who employ 75% of the workers, to agree last Thursday to negotiate a contract with the Carpenters Union.

They are not likely to get one unless it includes all of the strikers who forced the contractors to the table.

But the ramifications of this seemingly simple labor-management dispute are vast. For instance, in a free enterprise system presumably controlled by market forces, when demand is way down, supply is also supposed to decline, bringing supply and demand into some sort of balance.

Yet while demand for new housing construction is off by nearly half in California, the number of drywall contractors has been rising. The number has soared by 25% in the last three years alone.

Also, under our system, when thousands of workers are on strike demanding a union contract, union organizers should have been all over the place handing out membership cards for the workers to sign.

Yet none of the strikers were offered union cards even though they needed some kind of help soon after their old union was crushed nearly 10 years ago.

Unions didn't ignore the strikers, of course. Douglas McCarron, leader of the Carpenters Union in Southern California, says the strikers have been badly abused and his and other unions, along with immigrant rights organizations, strongly supported them.

The various support groups raised an estimated \$1 million from across the country to help the strikers survive.

Also, under our system, when workers are hired to break a strike, the strikebreakers almost never become militant pro-union workers who then go on strike to get their own union.

Yet that happened with the drywallers. They had a union of mostly white males for many years. Then in the mid-1970s employers began hiring illegal aliens because they work hard, accept low wages and are not considered union supporters.

The trend continued and by 1982, the immigrant workers helped the employers break the union.

Most of the old-time union members were replaced.

Then came the recession and again the drywallers' wages plummeted and fringe benefits were eliminated. The strikebreakers realized that they had been duped but took no action because many of them feared deportation as illegal aliens.

On June 1, however, they went on strike, disrupting the already depressed home building industry.

Another anomaly: Under our system, when a large number of workers say they want a union, in theory they simply petition the National Labor Relations Board and get one if a majority of those involved vote for the union in a government-conducted election.

But under our pro-management laws, that isn't easy. You see, if the drywallers signed cards saying they want union representation, highly paid company lawyers could get in the act. They could use legal tactics to stall an election for many months, giving employers a chance to fire the activist leaders and line up thousands of permanent replacements of the strikers from the still-growing ranks of illegal aliens.

Of course, workers fired for supporting the union can, under our malfunctioning system, force the boss to rehire them, since it is illegal to fire someone for union activity.

But winning reinstatement can take years, and few workers can afford the time or money it takes to achieve that goal. And while they cannot be fired for supporting a union, they can be permanently replaced under our strange system, which uses different words to do the same thing.

As long as only non-union workers strike to get a union, it is difficult for the lawyers of the employers to obtain injunctions limiting picketing or to get courts to impose heavy fines or jail the strikers.

The non-union strikers are acting as individuals, not subject to federal labor laws that deal with union strikes. Even if the individual strikers are sued for illegally striking, or for alleged picket line violence, they have no money so the employers couldn't collect strike damage.

The housing industry, once largely unionized, is almost entirely non-union today because of increased employer resistance, unfair labor laws and minimal efforts of the unions to try and organize new members.

All of that may change if the drywallers' militancy succeeds. It could lead to a revival of unions in home construction and other industries too, according to David Sickler, regional director of the AFL-CIO.

"It has been decades since we have seen anything like the militant determination of these strikers to get a union," he said.

But even if the drywallers get their union, they know that in the background is the ever-present threat that employers will again hire more illegal aliens to break it, just as they did 10 years ago when job-hungry illegals moved into the industry by the thousands.